

Vandenberg & Feliu, LLP

Attorneys at Law
110 East 42nd Street
New York, New York 10017
Telephone: 212-763-6800
Author's direct dial: 212-763-6838
Fax: 212-763-6810/6814

Morlan Ty Rogers
E-mail: mtrogers@vandfeliu.com

September 20, 2007

BY FAX (212) 805-6382

The Honorable Victor Marrero
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 660
New York, NY 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-20-07

Re: Baraliu v. Vinya Capital, L.P. and Michael deSa
SDNY No. 07-cv-04626 (VM)

Dear Judge Marrero:

My firm represents defendants in the above-referenced action. Today, I am actually writing on behalf of plaintiff's attorney, Alfred J. Smith, Esq. As Your Honor will recall, the Court ordered plaintiff to file an amended complaint by September 21, 2007 and to circulate a draft ahead of that time so that the parties would have an opportunity to discuss the draft and changes thereto with the goal of limiting pleading issues that would warrant a new motion to dismiss. The parties were in the midst of these discussions when Mr. Smith informed me yesterday afternoon that his mother is seriously ill and may not survive, and that he was leaving for New Hampshire immediately. He asked that I contact the Court on his behalf for a further two-week extension, to October 5, 2007, of plaintiff's time to file an amended complaint, so that the parties may attempt to reach agreement on the draft when he returns. Under the circumstances, defendants consent to, and join in, this request. This is the second request for such an extension.

Respectfully yours,

Morlan Ty Rogers

Morlan Ty Rogers

cc: Alfred J. Smith, Jr. Esq.
(by fax (203) 348-8092)

SO ORDERED: Request GRANTED. The
time for plaintiff to file an amended
complaint herein is extended to
10-5-07.
9-20-07
DATE VICTOR MARRERO, U.S.D.J.